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PATENT
ATTORNEY DOCKET NO. 041463-5030

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Othmar BRÜHWILER)	Confirmation No.: 9880
)	
U.S. Application No.: 10/019,234)	Group Art Unit: 2834
)	
Filed: April 2, 2002)	Examiner: J. Waks
)	
For: APPARATUS FOR GENERATING)	
ELECTRICAL ENERGY)	
(AS AMENDED))	

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment and Request for Reconsideration responding to the Office Action dated June 6, 2003.

2. Additional papers enclosed:

- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
- ☒ Information Disclosure Statement
- ☒ Form PTO-1449, 1 reference, Preliminary Amendment filed December 28, 2001 and date stamped postcard included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitioned for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input checked="" type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: **\$ 950.00**.

- ☒ If an additional extension of time is required, please consider this a Petition therefor.
- ☐ An extension for ____ months has already been secured and the fee paid therefor of \$____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	15	minus	20	0	x \$18 each=	+ \$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	2	minus	3	1	x \$86 each=	+ \$ 0.00
[] First presentation of Multiple dependent claim(s)					\$290.00	+ \$ 0.00
SUB-TOTAL =						\$ 0.00
Reduction by ½ for filing by a small entity						- \$ 0.00
TOTAL FEE =						\$ 0.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge **\$ 950.00** for the three-month extension of time fee due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated December 5, 2003

By: Mary Jane Boswell
Mary Jane Boswell
Reg. No. 33,652

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AMENDMENT AND REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. § 1.111

In response to the Non-Final Office Action dated June 6, 2003 (Paper No. 0603), the period for reply to which has been extended to December 6, 2003, by a petition for a three-month extension of time filed concurrently herewith, please amend the above-identified application as follows:

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01 FC:1253 950.00 DA